FILE COPY

Supreme Court, U.
FILED
JUL 21 19
E. ROBERT SEAVER, CL

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1969

No. 1619

GEORGE M. VASILJ, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent.

PETITION FOR REHEARING

ROLAND S. BARCUME
Suite 302, Irvine Tower
550 Newport Center Drive
Newport Beach, California
92660

Attorney for Petitioner

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1969

No. 1619

GEORGE M. VASILJ, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent.

PETITION FOR REHEARING

ROLAND S. BARCUME
Suite 302, Irvine Tower
550 Newport Center Drive
Newport Beach, California
92660

Attorney for Petitioner

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1969

No. 1619

GEORGE M. VASILJ, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent.

PETITION FOR REHEARING

The Petitioner George M. Vasilj respectfully prays for rehearing of the order of this honorable Court entered June 29, 1970 denying the Petition For Writ of Certiorari sought to review the judgment and oppinion of the United States Court of Appeals of the Ninth Circuit entered in this proceeding on April 30, 1970.

Point 1.

Had Petitioner's offer of evidence at the trial as to his physical deficiency and the refusal of the local board to either examine him with respect to that deficiency or consider the same, that evidence would have established that the local boards determination that Petitioner was physically acceptable and subject to an order to report for induction was wholly without factual foundation. Petitioner sought to put in issue at the trial the regularity of his selective service file with respect to his eye defect. Once the trial Court deprived his of this opportunity, it was error for the Court of Appeal to make a factual determination that the Selective Service file failed to support Petitioner's argument on appeal.

Point 2.

This Court now has matters pending before it in the Selective Service field, which, when determined by this Court, are likely to substantially effect the rights of this Petitioner in such a manner that if the Petition is not granted in the instant case, the determination in this case will be in conflict with the determinations made in the October, 1970 term.

Point 3.

The determination of the Circuit Court and the civil case which appears as Appendix B in the Petition for Writ of Certiorari erroneously deprives Petitioner of civil relief to review the acts of the local board in excess of the local board's jurisdiction relating to the 1-A classification and order to report for induction of the Petitioner. The trial court in the campanion case of the United States of America vs. Vasilj, ought to have abated the criminal trial proceedings until a final determination was made in the Defendant's effort to secure civil relief.

ROLAND S. BARCUME
Suite 302, Irvine Tower
550 Newport Center Drive
Newport Beach, California
92660

Attorney for Petitioner

CERTIFICATE PURSUANT TO RULE 58 (2)

I, ROLAND S. BARCUME, a member of the bar of this Court, and the attorney for Petitioner, hereby certify that the within Petition For Rehearing is presented in good faith and not for delay and that the Petition is restricted to the ground designated in sub section 2 of rule 58 of this Court.

Dated: July 17, 1970

ROLAND S. BARCUME